

# **EXHIBIT A**



James H Freeman



To: alockton@mchaleslavin.com; Craig Sanders

Thu 7/25/2024 6:32 PM

Cc: Litigation &lt;Litigation@McHaleSlavin.com&gt;



Clement\_PA 2-374-324.pdf

404 KB



Michael\_Brandon\_Clement\_C...

164 KB

2 attachments (568 KB)  Save all to OneDrive - Sanders Law Group  Download all

Andrew:

Thank for you for waiving service. Plaintiff has certified to the Court in prior filings that defendant's conduct under the circumstances raised a presumption that it was evading service of process. But since the Court has already disposed of the service issue raised by your wasteful and unnecessary motion practice, Plaintiff sees no need to expend further time on the issue. We will address your client's litigation conduct on a 505 motion when the time comes.

Per your request, attached please find a copy of the registration certificate and copyright assignment agreement. Because the work was registered within 5 years of initial publication, the certificate is statutorily entitled to the presumption of validity. 17 U.S.C. 410. If defendant seeks certified deposit copies of the video from Copyright Office, then as a matter of law, it is Defendant's obligation through discovery to obtain actual evidence to rebut the presumption of validity accorded to the registration certificate. See *Iantosca v. Elie Tahari, Ltd.*, 2020 WL 5603538, at \*4 (S.D.N.Y. Sept. 18, 2020) ("[i]t is the Defendant's obligation, during discovery, to contact the USCO and request deposit copies to be used to rebut the validity of the copyright registration.") (citing *Goodman v. Universal Beauty Prods. Inc.*, 2018 WL 1274855, at \*5 (S.D.N.Y. Mar. 9, 2018)).

Best,

James

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